

**Before the State of South Carolina
Department of Insurance**

In the matter of:

William Murphy
d/b/a Aid Bonding Company, Inc.
438 Hampton Avenue, Northeast
Aiken, South Carolina 29801

SCDOI File Number 2002-113249

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and William Murphy, a licensed South Carolina resident Professional Bail Bondsman.

Upon review of this matter, I hereby find as fact, that Murphy employed Larry Hightower as a "runner" as the South Carolina Code defines that term in § 38-53-10 (10), even though Larry Hightower was not and is not licensed in any capacity by the South Carolina Department of Insurance. Murphy's actions could ultimately lead to the revocation of his license to transact the business of insurance as a bail bondsman in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-53-160 (2002).

Section 38-53-80 of the South Carolina Code states, in pertinent part, "No person may act in the capacity of a...runner or perform any of the functions, duties, or powers prescribed...unless that person is...licensed in accordance with the provisions of this chapter." Section 38-53-150(A) grants the Director of Insurance the authority to revoke "any license issued under this chapter for...(7) failure to comply with or violation of the provisions of [Chapter 53] or of any order or regulation of the Director."

Rather than contest this matter, the parties have agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. That consensual recommendation was that Murphy would waive his right to a public hearing and immediately submit an administrative penalty through the Department in the total amount of \$2,500.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Murphy's conduct violates S.C. Code Ann. § 38-53-80 (2002). As a result, I can now take administrative disciplinary action against his bail bondsman license. Under the discretionary authority provided to me within S.C. Code Ann. § 38-53-150 (B) (2002), and after carefully considering the recommendation of the parties, I hereby accept the recommendation and impose against Murphy an administrative fine in the total amount of \$2,500. Murphy must pay that fine within ten days of the date of my signature upon this consent order. If he does not timely pay that total fine amount, his license to transact business as a bail bondsman will be summarily revoked without any further disciplinary proceedings.

W.M. William Murphy

The parties have reached this agreement through negotiation and compromise and in consideration of the Department having never taken any administrative disciplinary action against either Murphy or Aid Bonding Company before, and of Murphy's assurance that in the future he will comply with the state's insurance laws, particularly that of employing only qualified, licensed runners. The parties expressly agree and understand Murphy's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, Murphy acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's Freedom of Information Act, S.C. Code Ann. §§ 30-4-10, et seq. (1991 and Supp. 2001).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (3) (2002), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

Therefore, I hereby order William Murphy, within fifteen days of the date of my signature on this consent order, to pay through the Department an administrative fine in the total amount of \$2,500.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Murphy's licensing file.

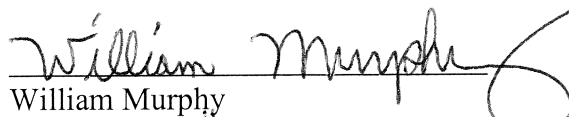
This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

July 29, 2002, at
Columbia, South Carolina

I CONSENT:


William Murphy
Dated this 26th day of July, 2002